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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/500,497      | 06/29/2004  | Egon Hubel           | B-7193              | 4529             |

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| EXAMINER |
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NICHOLSON III, LESLIE AUGUST

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3651

DATE MAILED: 08/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                         |                     |  |
|------------------------------|-------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b>  | <b>Applicant(s)</b> |  |
|                              | 10/500,497              | HUBEL, EGON         |  |
|                              | <b>Examiner</b>         | <b>Art Unit</b>     |  |
|                              | Leslie A. Nicholson III | 3651                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Arguments and Amendments*

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,2,3,7,8,9,11,12,13,14,15,19 are rejected under 35 U.S.C. 102(b) as being anticipated by Rider USP 5,653,439.

Rider discloses a device comprising:

- at least one pair of rollers (30,40) that are disposed on a respective side of the plane of transportation and are facing each other, said rollers having at least one elevation (10,20,22) encircling said rollers, wherein said at least one pair of rollers includes at least one first roller located on one side of the plane of transportation and at least one second roller located on the other side of the plane of transportation (C3/L37-40)

Art Unit: 3651

- transport drives associated with said rollers, wherein the elevations on the first roller of a pair of rollers located on one side of the plane of transportation are staggered relative to the elevations provided on the second roller of the pair of rollers on the other side of the plane of transportation (fig.2)
- wherein said elevations are located along the plane of transportation in the region of the conveying path (C3/L37-40)
- wherein the elevations annularly or helically encircle the rollers (fig.1)
- wherein several axially spaced apart elevations are provided on the at least one roller (fig.2)
- wherein the spacing between the elevations annularly encircling the rollers or the spacings between respective turns of the elevations helically encircling the rollers are at least 10% greater than the width of the elevations (fig.1,2)
- wherein the elevations have rounded front sides (fig.2)
- wherein the rollers are made from at least one material selected from the group comprising metal, plastic material and ceramics (C4/L26-28)
- wherein the rollers provided with the elevations are configured to be formed by axles with rings secured thereon (fig.2)

Rider discloses a method of transporting flat workpieces in conveyORIZED processing lines with a plane of transportation for the workpieces and with at least one pair of rollers, said rollers facing each other and being disposed on a respective side of the plane of transportation for transporting the workpieces, the rollers having at least one elevation encircling the rollers, the elevations on the first roller of a pair of rollers

Art Unit: 3651

being staggered relative to the elevation on the second roller of the pair of rollers on the other side of the plane of transportation, and with transport drives associated with the rollers, the workpieces being supplied to the rollers of the at least one pair of rollers in the plane of transportation, said rollers transporting and finally releasing them (see figures).

4. Claims 1,2,3,6,7,8,9,11,12,13,14,15,18,19 are rejected under 35 U.S.C. 102(b) as being anticipated by Leemhuis USP 6,181,908.

Leemhuis discloses a device comprising:

- at least one pair of rollers (12,16) that are disposed on a respective side of the plane of transportation and are facing each other, said rollers having at least one elevation (20,22) encircling said rollers, wherein said at least one pair of rollers includes at least one first roller located on one side of the plane of transportation and at least one second roller located on the other side of the plane of transportation (see figures)
- transport drives associated with said rollers, wherein the elevations on the first roller of a pair of rollers located on one side of the plane of transportation are staggered relative to the elevations provided on the second roller of the pair of rollers on the other side of the plane of transportation (see figures)
- wherein said elevations are located along the plane of transportation in the region of the conveying path (see figures)
- wherein the elevations annularly or helically encircle the rollers (see figures)

Art Unit: 3651

- wherein several axially spaced apart elevations are provided on the at least one roller (see figures)
- wherein the spacing between the elevations annularly encircling the rollers or the spacings between respective turns of the elevations helically encircling the rollers are at least 10% greater than the width of the elevations (see figures)
- wherein the elevations have rounded front sides (see figures)
- wherein the rollers are made from at least one material selected from the group comprising metal, plastic material and ceramics (inherent, if not disclosed)
- wherein the rollers provided with the elevations are configured to be formed by axles with rings secured thereon (see figures)
- spaced apart bearings (14,18) wherein the minimum spacing between the rollers of a pair of rollers is set by the spacing between bearings

Leemhuis discloses a method of transporting flat workpieces in conveyORIZED processing lines with a plane of transportation for the workpieces and with at least one pair of rollers, said rollers facing each other and being disposed on a respective side of the plane of transportation for transporting the workpieces, the rollers having at least one elevation encircling the rollers, the elevations on the first roller of a pair of rollers being staggered relative to the elevation on the second roller of the pair of rollers on the other side of the plane of transportation, and with transport drives associated with the rollers, the workpieces being supplied to the rollers of the at least one pair of rollers in the plane of transportation, said rollers transporting and finally releasing them (see figures).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4,5,6,10,16,17,18,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rider USP 5,653,439 in view of Hirose JP 61075768.

Rider discloses all the limitations of the claim (see ¶13), but does not expressly disclose at least one bordering elevation at the end of the rollers annularly encircling the respective one of the rollers, wherein said bordering elevations are disposed on the rollers of a pair of rollers so as to face each other, or spaced apart bearings wherein the minimum spacing between the rollers of a pair of rollers is set by the spacing between bearings.

Hirose teaches at least one bordering elevation (1a,1b) at the end of the rollers annularly encircling the respective one of the rollers, wherein said bordering elevations are disposed on the rollers of a pair of rollers so as to face each other, and spaced apart bearings wherein the minimum spacing between the rollers of a pair of rollers is set by the spacing between bearings (fig.4) for the purpose of providing a certain distance approximately perpendicular to the direction of sheet travel (abstract).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ at least one bordering elevation at the end of the rollers annularly

Art Unit: 3651

encircling the respective one of the rollers, wherein said bordering elevations are disposed on the rollers of a pair of rollers so as to face each other, and spaced apart bearings wherein the minimum spacing between the rollers of a pair of rollers is set by the spacing between bearings, as taught by Hirose, in the device of Rider, for the purpose of providing a certain distance approximately perpendicular to the direction of sheet travel

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.




Art Unit: 3651

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L.N.  
8/29/2006

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER